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What is the Boundaries Commission?

The Boundaries Commission is a 3-person agency, independent of government. One person is the presiding member, or leader. Under the Nunavut Elections Act, the Boundaries Commission proposes the boundaries and names of Nunavut's constituencies.

Who can and cannot be a member of the Commission?

The presiding member is a judge or retired judge of the Nunavut Court of Justice or Nunavut Court of Appeal. The two other members must be eligible to vote.

Elected members of federal, territorial, provincial, or municipal governments **cannot** be members of the Commission.

The current Electoral Boundaries Commission is made up of

The Honourable Beverley Browne, Presiding Member
John Ningark, Member
Bernadette Niviatsiak, Member

Why do we need a Boundaries Commission?

The Boundaries Commission defines Nunavut's constituencies.

The Commission reviews Nunavut's electoral boundaries and recommends changes, based on input from the public. The Commission makes sure that each constituency fairly represents people.

To fairly represent people, each constituency has roughly the same number of people. We also consider things such as geography and Inuit Qaujimajaqtuqangit. We review the

boundaries because over time the number of people or other things can change in a constituency.

When do we set up a Boundaries Commission?

1) MLAs of the second Nunavut Legislative Assembly must set up a Boundaries Commission by March 8, 2006.
2) After that, the Nunavut Legislative Assembly will set up a Boundaries Commission every 10 years.
3) Any time the difference between a constituency's population and the electoral quotient is more than 30% of the electoral quotient.

   The electoral quotient is the number of voters on the final voters list divided by the number of constituencies.

An example in 6 steps:

1) Final voters list: 13,000 people and 19 constituencies.
2) Electoral quotient: 13,000 ÷ 19 = 684.
3) 30% of electoral quotient: 684 X 30% = 205.
4) Constituency 'N' has 550 people.
5) 684 (electoral quotient) – 550 (constituency population) = 134.
6) The difference (134) is less than 30% of the electoral quotient (205). No change to boundaries of constituency N.

   The Chief Electoral Officer (CEO) calculates this for each constituency after each general election and reports to the Legislative Assembly. The report tells the Speaker if the Legislative Assembly needs to appoint a Boundaries Commission.

How long does each Boundaries Commission last?

Each Commission starts when the members are appointed. It ends when the Commission tables their report in the Legislative Assembly.

Each Commission can last up to 250 days – about 8 months. The Legislative Assembly can extend the time for 6 months if Nunavut has a general election before the Commission finishes their report.

The current Electoral Boundaries Commission must complete its work by November 5, 2006.

Who appoints the members of the Commission?

The Commissioner appoints the members of the Boundaries Commission. The Legislative Assembly recommends who the Commissioner should appoint.

If the Boundaries Commission has a vacant position, the Commissioner fills it as soon as possible. The Management and Services Board recommends who to appoint if the Legislative Assembly isn't sitting. The Boundaries Commission still has the power to do its work if it has a vacant position.

The Commission itself may appoint one of the two other members as a deputy presiding member. The deputy presiding member acts as leader when the presiding member isn't there for some reason.

How does the Commission do its work?

The Commission has the powers of a Board of Inquiry under Part I of the Public Inquiries Act. The Elections Act has a list of factors the Commission considers to change the boundaries and names of Nunavut's constituencies. The Commission holds public hearings.

The quorum for the Commission is the presiding member and one other member. The presiding member has a second, deciding vote if there is a tie.

The Commission may have staff. The Clerk of the Legislative Assembly hires the staff and decides their pay and terms of employment. The Chief Electoral Officer provides maps, mapping services, and information the Commission needs.

The Commission may set its own rules, including how it runs public hearings.

What are the rules for public hearings?

The Commission may hold a public hearing in any community they think is suitable. The Commission sets the rules for how to run public hearings.

The Commission must give public notice at least 30 days before the hearing. The public notice must be in the Nunavut Gazette and at least one local newspaper. The notice must:

- ✓ Invite the public to participate.
- ✓ Give the date, time, and place of the hearing.
- ✓ Tell people how to make a written submission.

- ✓ Show the deadline for written submissions.
- ✓ Give contact information for the Boundaries Commission, including a toll free phone number.

Any person, including MLAs, may make a written or oral presentation.

What are the rules for the Commission's report to the Legislative Assembly?

The Commission's report is based on the information they receive. The report proposes and describes:

- ✓ The number of constituencies and their boundaries.
- ✓ The number of people in each constituency.
- ✓ The reasons for any new boundaries.
- ✓ The name of each constituency and the reasons for any changes.

The Commission sends copies of its report to the Chief Electoral Officer, the Speaker, and the Clerk of the Legislative Assembly. The Clerk sends a copy to each MLA. The public can get a copy of the report from the Clerk's office.

The Speaker lays the report before the Legislative Assembly. The MLAs consider the report as soon as they can.

How does the Commission's report affect the laws?

The Chief Electoral Officer prepares a draft constituencies bill based on the Commission's report. The draft bill includes the number of constituencies, their boundaries, and their names.

The Speaker introduces the bill as soon as possible after receiving it. The Legislative Assembly must enact the bill at least 6 months before the Act comes into force.

The Act comes into force the day after the Legislative Assembly dissolves for an election.

The Chief Electoral Officer prepares these maps:

- ✓ Map of Nunavut, with names and boundaries of all constituencies.
- ✓ Map of each constituency, with names and boundaries.
- ✓ Map of each municipality that has more than one constituency, with names and boundaries of constituencies.

How does a change of electoral boundaries affect the Nunavut Elections Act and Elections Nunavut?

- ✓ If a returning officer works in a constituency that changed, their job may officially end. The Chief Electoral Officer (CEO) can re-appoint the returning officer to a new constituency.

  The CEO may also decide the new boundaries are almost the same as the old ones. If this happens, the returning officer's job may not officially end. The CEO must do this within 30 days of when the Legislative Assembly enacts the bill.

- ✓ The Management and Services Board may make regulations to set up a Tariff of Fees. The fees may include any goods and services provided to set up constituency boundaries.

- ✓ The Consolidated Revenue Fund pays for the Boundaries Commission, including public hearings. This includes any fees for goods and services provided by the Chief Electoral Officer.

- ✓ The new boundaries take effect no earlier than 6 months after the bill is passed.